

Ex. 34

Run : 10/26/2020

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

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Time : 16:30:53

Charge Detail Inquiry

CHARGE # 450-2019-05843C	FORMALIZED OFFICE 450	STAFF Quida Black	DATE INITIAL INQUIRY 07/25/2019
LEAD CHARGE #	ACCOUNTABLE OFFICE 450	UNIT 1	DATE FIRST OFFICE 07/25/2019
FEPA #			DATE DISTRICT 07/25/2019
CHARGING PARTY INFORMATION			THIS OFFICE DATE 07/25/2019
Sams, Jerald A		Home (512) 551-3327	Race
2909 Kerbey Heights Ct.		Work	Black or African American
		Cell (512) 423-2937	
Pflugerville	TX 78660	Country USA	
Sex M	Date of Birth 3/20/1969	Nat Origin American (U.S.) National Origin	
Email Address clearchoicems@gmail.com			

CHARGING PARTY CONTACT

CP Legal Representative
Leonard Mungo - Attorney
MUNGO & MUNGO AT LAW, PLLC
31700 Telegraph Road, Suite 250
Bingham Farms, MI 48025 Country: USA Phone: (248) 792-7557 Email Address: mungol16@msn.com

RESPONDENT INFORMATION

TEXAS DEPARTMENT OF PUBLIC SAFETY
5805 North Lamar Boulevard

Phone (512) 424-2890
R Type (b)(5)

FAX
SMSA (b)(5)

Post Office Box 4087

Austin TX 78773 Country USA

Size 501+ Employees

EEO1 HDQ EEO1 Unit

NAICS Code

Email Address Phillip.Adkins@dps.texas.gov

RESPONDENT CONTACT

Respondent Contact Information
Phillip Adkins - General Counsel
5805 N. Lamar Blvd PO Box 4087
Austin, TX 78773 Country: USA Email Address: Phillip.Adkins@dps.texas.gov

PROCESSING INFORMATION

(b)(5)

category code, investigator analysis, recommendations,
processing information, deliberative and pre-decisional
information

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

450-2019-05843

Texas Workforce Commission Civil Rights Division

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Jerald A. Sams

Home Phone (incl. Area Code)

(512) 551-3327

Date of Birth

1969

Street Address

City, State and ZIP Code

2909 Kerbey Heights Ct., Pflugerville, TX 78660

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below)

Name

TEXAS DEPARTMENT OF PUBLIC SAFETY

No. Employees/Members

500 or More

Phone No. (Include Area Code)

(512) 424-2890

Street Address

City, State and ZIP Code

5805 North Lamar Boulevard, Post Office Box 4087, Austin, TX 78773

RECEIVED

Name

No. Employees/Members

Phone No. (Include Area Code)

JUL 25 2019

Street Address

City, State and ZIP Code

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
DALLAS DISTRICT**

DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

10-02-2018

07-25-2019

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))

I. PERSONAL HARM:

- a. I applied for the position of Mounted Patrol Sergeant in September 2018. I was denied the position on October 2, 2018.
- b. I believe that the hiring and interview process is subjective and unfair because the questions are not standardized or job related, and the interview panel is only required to have one minority. If the board does not have a minority then a minority is selected to monitor the interview but has no input in the selection.
- c. I have been denied the ability to apply for the position when it opened again in mid-July 2019, after Sgt. Devenport request to transfer back to his previous position.

II. RESPONDENT'S REASON FOR ADVERSE ACTION:

- a. No reason given.
- b. No reason given.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct

Jul 25, 2019

Date



Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

000353

EEOC 43 of 1

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s)

☐ FEPA☒ EEOC

450-2019-05843

Texas Workforce Commission Civil Rights Division

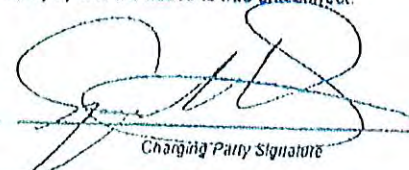
and EEOC

State or local Agency, if any

c. No reason given.

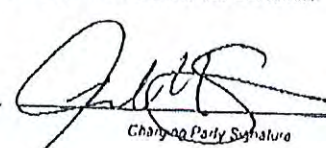
III. **DISCRIMINATION STATEMENT:** I believe that I was discriminated against because of my Race-Black/African American, in violation of Title VII of the Civil Rights Act of 1964, as amended in that I believe I was the most qualified candidate for the position. David Devenport (White), who had been removed from the Mounted Patrol in 2016, was selected. I believe that I was retaliated against in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended in that I have requested investigations into the selection and have now been denied the position after Mr. Devenport again left the Mounted Patrol because of his inability to do the job. The Respondent has decided to post the position as a transfer and it appears that they will select Sgt. Wong, who has no experience with horses, to transfer into the position.

RECEIVED
 JUL 15 2019
 EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION
 DALLAS DISTRICT

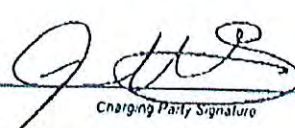
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct. <div style="text-align: center;">  Charging Party Signature </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> Jul 25, 2019 Date </div> <div> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month day year) </div> </div>	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT

000354

EEOC 44 6101

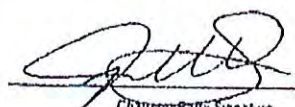
CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s).	
<small>Item is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	450-2019-05843
Texas Workforce Commission Civil Rights Division and EEOC			
<small>Name of individual Mr. Mrs. Miss</small> Jerald A. Sams			
<small>Home Phone (incl. Area Code)</small> (512) 551-3327		<small>Date of Birth</small> 1969	
<small>Street Address</small> 2909 Kerbey Heights Ct., Pflugerville, TX 78660			
<small>City, State and ZIP Code</small>			
<small>Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)</small>			
<small>Name</small> TEXAS DEPARTMENT OF PUBLIC SAFETY		<small>No. Employees/ Members</small> 500 or More	<small>Phone No. (include Area Code)</small> (512) 424-2890
<small>Street Address</small> 5805 North Lamar Boulevard, Post Office Box 4087, Austin, TX 78773			
<small>City, State and ZIP Code</small>			
<small>Name</small>			
<small>No. Employees/ Members</small>			
<small>Phone No. (include Area Code)</small>			
<small>Street Address</small>			
<small>City, State and ZIP Code</small>			
<small>DISCRIMINATION BASED ON (Check appropriate box(es))</small> <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		<small>DATE(S) DISCRIMINATION TOOK PLACE</small> <small>Earliest</small> <small>Latest</small> 10-02-2018 07-25-2019	
<small>THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).</small> I. PERSONAL HARM:		<input checked="" type="checkbox"/> CONTINUING ACTION	
a. I applied for the position of Mounted Patrol Sergeant in September 2018. I was denied the position on October 2, 2018.			
b. The person/trooper promoted over me/selected for the position was a White male and was not qualified and or less qualified for the position than I was. I was not selected for the position/promoted into the position of "Mounted Patrol Sergeant" because of my race "Black".			
c. I have been retaliated against by the Texas Department of Public Safety (TDPS) for engaging in protected activity of protesting and complaining and challenging the decision to			
<small>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</small>		<small>NOTARY - When necessary for State and Local Agency Requirements</small>	
<small>I declare under penalty of perjury that the above is true and correct.</small>		<small>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</small>	
<small>Signature of Complainant</small> 		<small>SIGNATURE OF COMPLAINANT</small>	
<small>Date</small> 1/4/20		<small>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</small>	

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 450-2019-05843
Texas Workforce Commission Civil Rights Division <small>State or local Agency, if any</small> _____ and EEOC _____		
<p>not select/promote me into the position of "Mounted Patrol Sergeant" on or about October 2, 2018 because of my race. The retaliation against me by the TDPS for engaging in said protected activity included but is not limited to upon posting that same position again on or about July 2019 the TDPS employed a process to fill said position in a way that would ensure would not have an opportunity to apply for and or otherwise be selected to fill said position even though I am the most qualified for said position. I protested about this process to my captain Anthony Rodrigues and requested that I be given an opportunity to apply for said position and I was denied an opportunity to do so.</p> <p>d. Because of my race "Black", the TDPS prevented me from the opportunity of being promoted to the position of "Mounted Patrol Sergeant" when the position became available on or about July 2019 by making the position available on a transfer basis only rather than on a promotional and or transfer basis. Said position was again filled by a person/trooper outside of my protected class.</p> <p>II. RESPONDENT'S REASON FOR ADVERSE ACTION: a. No reason given. b. No reason given. c. No reason given. d. No reason given</p> <p>III. DISCRIMINATION STATEMENT: I believe that I was discriminated against because of my Race-Black/African American, in violation of Title VII of the Civil Rights Act of 1964, as amended in that I believe I was the most qualified and on at least one occasion the only qualified candidate for the position. David Devenport (White), who had been removed from the Mounted Patrol in 2015, was selected in 2018 and Sgt. Wong an Asian American was selected over me in 2019. For the selection process used by the TDPS in 2019 to fill said position I believe that I was retaliated against in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended in that I had requested investigations into the 2018 selection process to fill said position and as a result was denied even the opportunity to apply to fill said position when it was posted the second time after the White male, Mr. Devenport who was selected over me in 2018, again left the Mounted Patrol because of his inability to do the job. The TDPS posted the position as a transfer opportunity only, intentionally excluding me from the selection process, and thereafter selected Sgt. Wong for said position, who has no experience with horses and is outside of my protected class, to transfer into and fill said position. Because of my race "Black", the TDPS prevented me from</p>		
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the Agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____ SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE _____ (month, day, year)
1/4/20 Date	 Charging Party Signature	

EEOC Form 5 (11/19)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>	Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 450-2019-05843
Texas Workforce Commission Civil Rights Division and EEOC <small>State or local Agency, if any</small>	
<p>the opportunity of being promoted to the position of "Mounted Patrol Sergeant" when the position became available for a second time on or about July 2019. I protested about this process to my captain Anthony Rodrigues and requested that I be given an opportunity to apply for said position and I was denied an opportunity to do so.</p> <p>AMENDMENT TO ADD:</p> <p>CLASS ALLEGATIONS: I also file these charges because I believe that the Texas Department of Public Safety maintains a pattern or practice of discrimination against minorities and specifically African Americans in promotions in violation of Title VII of the Civil Rights Act of 1964, as amended. I have been denied the opportunity to be promoted by the Texas Department of Public Safety to the position of Sergeant. I believe there are similarly situated minorities, including but not limited to African Americans who have also been discriminatorily denied promotions to various ranks, including but not limited to the ranks of sergeant and above and file this charge on behalf of those individuals. Also, the Texas Department of Public Safety promotional policy has a disparate impact on minorities, including but not limited to African Americans, because people of color are subject to not being selected for promotions at a disproportionate rate. The Texas Department of Public Safety's promotional policy is neither job-related nor consistent with business necessity and adversely impacts promotional opportunities for minority candidates including but not limited to African Americans.</p>	

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct. <div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> <u>1/4/20</u> <small>Date</small> </div> <div>  <small>Complainant Signature</small> </div> </div>	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>